



**MEMO ENDORSED**

**MICHAEL A. CARDOZO**  
Corporation Counsel

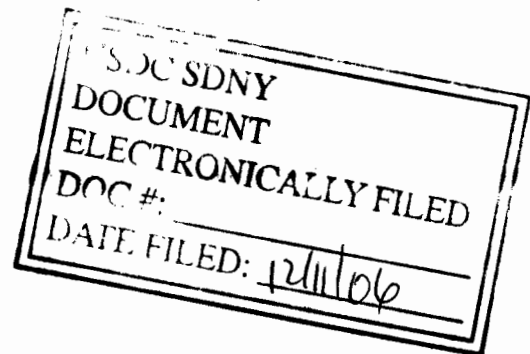
**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
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December 1, 2006

**BY FIRST CLASS MAIL**

The Honorable Kenneth M. Karas  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 920  
New York, New York 10007-1312



**Re: Cohen v. The City of New York, et al., 05 CV 6780 (KMK)(JCF)**  
**Hershey-Wilson v. The City of New York, et al., 05 CV 7026 (KMK)(JCF)**  
**Abdell, et al. v. The City of New York, et al., 05 CV 8453 (KMK)(JCF)**

Dear Judge Karas:

On or about November 20, 2006, plaintiff in Hershey-Wilson and four plaintiffs in Abdell filed objections with Your Honor pursuant to Rule 72 of the Federal Rules of Civil Procedure. On or about November 26, 2006, plaintiff in Cohen filed similar objections with Your Honor. All of these plaintiffs' objections concern orders entered by Magistrate Judge James C. Francis IV dismissing the plaintiffs' emotional distress claims for failure to provide the necessary discovery. Because the issues in these cases are closely related, defendants propose to submit a single opposition brief that addresses all three cases. The parties have consulted and jointly propose the following briefing schedule: defendants' opposition shall be due on January 5, 2007; and plaintiffs' replies shall be due on January 19, 2007. Defendants previously submitted a proposed briefing schedule concerning Hershey-Wilson alone, which is now moot. Defendants request oral argument on these motions. If this meets with your approval, would you kindly "so order" it?

Very truly yours,

James Mirro

cc: James I. Meyerson, Esq. (by fax)   
Michael Spiegel, Esq. (by fax)

SO ORDERED  
  
**KENNETH M. KARAS U.S.D.J.**  
12/8/06